

In The Matter Of:

*Haydn Zeis, Administrator of the Estate of Jordn Miller v.
Springfield Township, Ohio, et al.*

*Officer Joseph Holsopple
Vol. 1
March 15, 2017*

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Haydn Zeis, Administrator of
the Estate of Jordn Miller,
Plaintiff,

vs.

Case No. 5:16-CV-02331-JRA

Springfield Township, Ohio,
et al.,
Defendants

- - -

PART 1 VIDEO DEPOSITION OF OFFICER JOSEPH HOLSOPPLE
the Defendant herein, called by the Plaintiff under the
applicable Rules of Civil Procedure, taken before me,
Whitney Layne, a Notary Public for the State of Ohio, at
the Springfield Township Police Department, 2465 Canfield
Road, Akron, Ohio 44312 on March 15, 2017 at 12:30 p.m.

LAYNE & ASSOCIATES
6723 COOPERSTONE DRIVE
DUBLIN, OHIO 43017

1 APPEARANCES

2
3 MICHAEL HILL, ESQUIRE
4 EADIE HILL TRIAL LAWYERS
5 3100 East 45th Street
6 Suite 218
7 Cleveland, Ohio 44127
8 on behalf of the Plaintiff

9 GREGORY BECK, ESQUIRE
10 MEL LUTE, ESQUIRE
11 BAKER DUBLIKAR BECK WILEY & MATHEWS
12 400 South Main Street
13 North Canton, Ohio 44720
14 on behalf of the Defendants
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March 15, 2017
Wednesday Session
12:30 p.m.

- - -

STIPULATIONS

It is stipulated by and among counsel for the respective parties that the deposition of JOSEPH HOLSOPPLE, the Defendant herein, called by the Plaintiff under the applicable Rules of Civil Procedure, may be taken at this time by the notary Whitney Layne; that said deposition may be reduced to writing in stenotypy by the notary, whose notes thereafter may be transcribed out of the presence of the witness; and that the proof of the official character and qualification of the notary is waived.

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1 part of the investigation. I think I went to the autopsy
2 on that, but that was it.

3 Q Did you go to the autopsy in this case, Jordn
4 Miller?

5 A No, sir.

6 Q Did you ever speak to anyone from the medical
7 examiner's office in this case?

8 A I think I might have -- no, no, that wasn't the
9 medical examiner. I asked somebody if they had heard if
10 he passed away. I think it was Jason Grom from the
11 medical examiner's office. He was out on the scene for
12 something else, and I said, "Did you hear if Mr. Miller
13 had passed," and he told me yes. That was the extent of
14 it.

15 Q Did you ever speak to anyone from the Summit
16 County prosecutor's office about Jordn Miller?

17 A No.

18 Q Or this incident?

19 A Not that I'm aware of.

20 Q The Holcomb matter, this report of a man
21 disrobing, was he in a field? Is that what you said?

22 A In a field or in a shed or near a shed, in a
23 horse -- I know there was a horse barn close by.

24 Q And that report of disrobing, that's a sign or

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1 a warning sign of a condition -- some people call it
2 excited delirium?

3 A Yes.

4 Q Have you heard that?

5 A Yes.

6 Q Do you agree with that?

7 A Yes, sir.

8 Q On September 8th, 2015, were you wearing body
9 armor?

10 A No, sir.

11 Q How tall are you?

12 A 5'11.

13 Q How much do you weigh?

14 A 260, 265, depending on what I had for lunch.

15 Q Do you work out at all, lift weights?

16 A I really haven't been in the gym in a long
17 time. I do some pushup and situps at home.

18 Q How about back in 2014, 2015? Were you working
19 out?

20 A Same.

21 Q Did you have a Taser --

22 A Yes.

23 Q -- in September of 2015?

24 A Uh-huh, yes.

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1 Q And is it your recollection that that training
2 ended like 2008, 2009, something along those lines?

3 A I don't recall.

4 Q Did it seem to end about the time that Chief
5 Smith, John Smith, became the chief here?

6 A I would -- I think so, yes.

7 Q I want to -- I'm going to read you some signs,
8 some warning signs -- strike that.

9 I spoke with Officer Scherer at length about
10 the warning signs, some of the warning signs of excited
11 delirium. Okay?

12 A Yes, sir.

13 Q And I'm going to read some that he agreed to as
14 being warning signs of excited delirium. I want to ask if
15 you agree to that, okay?

16 A Yes.

17 Q He agreed mentally ill symptoms or symptoms of
18 a mental illness are warning signs of excited delirium.
19 Do you agree?

20 MR. LUTE: Objection.

21 Go ahead.

22 A I guess they could be.

23 BY MR. HILL:

24 Q Delusions or hallucinations are signs -- strike

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1 that.

2 Delusions or hallucinations are signs that
3 police officers should consider, potentially, due to
4 excited delirium; true?

5 MR. LUTE: Objection.

6 You may answer if you know.

7 A Yes.

8 BY MR. HILL:

9 Q Disorientation is a sign or symptom that police
10 officers should consider might be due to excited delirium;
11 true?

12 A Yes, sir.

13 Q Disorganized or incoherent speech are symptoms
14 or characteristics that police officers should consider
15 might be warning signs of excited delirium?

16 A Yes.

17 Q Shouting or yelling for no apparent reason are
18 activities that police officers should consider warning
19 signs of excited delirium; true?

20 A Yes, sir.

21 Q Agitation for no apparent reason is a warning
22 sign of excited delirium; true?

23 MR. LUTE: Objection.

24 Go ahead.

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1 A Yes, sir.

2 BY MR. HILL:

3 Q A report that a person has disrobed or is
4 disrobing for no apparent reason is a warning sign of
5 excited delirium; true?

6 A Yes.

7 Q A person's flailing their body parts and moving
8 for no apparent reason is a warning sign of excited
9 delirium; true?

10 A Yes.

11 MR. LUTE: Objection.

12 Go ahead.

13 THE WITNESS: Oh.

14 A Yes.

15 BY MR. HILL:

16 Q Any other warning signs of excited delirium
17 that you're aware of that I didn't touch on?

18 A It sounds like you got all the ones that are
19 pertinent.

20 Q The big ones; right?

21 A The ones I can think of.

22 Q When deciding whether to use force on a member
23 of the public, police officers should consider the medical
24 condition of that person; correct?

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1 Q So a police officer should take all steps
2 possible to decrease the stress of such a person; true?

3 MR. LUTE: Objection.

4 You may answer.

5 A Yes.

6 BY MR. HILL:

7 Q When a police officer uses force, that can
8 increase the physiological stress response of such a
9 person; true?

10 A Yes.

11 Q Increased stress, physiological stress, can
12 cause serious injury or even death; true?

13 A Yes.

14 Q Cause the heart to fail?

15 MR. LUTE: Objection.

16 You may answer if you know.

17 A I would assume. It can stop the breathing.

18 BY MR. HILL:

19 Q Stop breathing, right.

20 Positional restraint asphyxia occurs when a
21 person's body position interferes with breathing; true?

22 A Yes.

23 Q This can be caused by a restriction on the
24 chest's ability to expand; true?

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1 A I assume, yes.

2 Q It can be caused when the position of the head
3 obstructs the airway; true?

4 A Yes.

5 Q It can be caused when anything is in the face
6 or near the face or mouth obstructs the airway; true?

7 MR. LUTE: Objection.

8 You may answer.

9 A Yes.

10 BY MR. HILL:

11 Q Positional restraint asphyxia is a life-
12 threatening medical condition; true?

13 A Say that again.

14 Q Positional restraint asphyxia is a life-
15 threatening medical condition; true?

16 A Yes.

17 Q Positional restraint asphyxia can cause death;
18 true?

19 A Yes.

20 Q When a person asphyxiates, they've stopped
21 breathing; true?

22 A Yes.

23 Q When restraining an individual, officers must
24 be sure to -- must make sure that nothing is obstructing

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1 the person's breathing or airway; true?

2 MR. LUTE: Objection.

3 Go ahead.

4 A Say it again.

5 BY MR. HILL:

6 Q When restraining an individual, police officers
7 must be sure that nothing is obstructing the person's
8 breathing; true?

9 MR. LUTE: Objection.

10 Go ahead.

11 A Yes.

12 BY MR. HILL:

13 Q And police officers have to be aware of the
14 risk of positional restraint asphyxia whenever they're
15 restraining a member of the public or a suspect; true?

16 A Yes.

17 Q Risk factors for positional restraint asphyxia
18 include having the person in a face-down prone position;
19 true?

20 A Yes.

21 Q When a person is engaged in a struggle, it
22 increases the risk of positional restraint asphyxia; true?

23 A Yes.

24 Q And that's because more oxygen is being devoted

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1 asphyxia than members of the general public?

2 MR. LUTE: Objection.

3 You may answer if you know.

4 A Yes.

5 BY MR. HILL:

6 Q People who are under the influence of drugs are
7 at a higher risk of positional restraint asphyxia; true?

8 A Yes.

9 Q People who are experiencing a condition
10 sometimes described or called excited delirium are at a
11 higher risk for positional restraint asphyxia; true?

12 A Yes.

13 Q Persons in a medical crisis are at a higher
14 risk of positional restraint asphyxia; true?

15 MR. LUTE: Objection.

16 You may answer if you know.

17 A Yes.

18 BY MR. HILL:

19 Q Anything that causes the muscles in the body to
20 contract rapidly or hard increases the risk of positional
21 restraint asphyxia; true?

22 MR. LUTE: Objection.

23 You may answer if you know.

24 A I don't know.

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1 BY MR. HILL:

2 Q The application of a conducted electrical
3 weapon increases the risk of positional restraint
4 asphyxia; true?

5 MR. LUTE: Objection.

6 You may answer.

7 A True.

8 BY MR. HILL:

9 Q People exposed to repeated applications of a
10 electrical-conducted weapon are at an even higher risk for
11 positional restraint asphyxia; true?

12 MR. LUTE: Objection.

13 You may answer.

14 A Yes.

15 BY MR. HILL:

16 Q Those are all risk factors that compound upon
17 one another; true?

18 MR. LUTE: Objection.

19 You may answer if you know that.

20 A I don't know if one heightens the other one,
21 no, but they are things to look for.

22 BY MR. HILL:

23 Q Excited delirium is a life-threatening medical
24 condition?

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1 underneath him?

2 A Just like -- well, after he bit Bubba, it was
3 up more by his face. But at first it was more laying down
4 and hitting, like under the chest part of his body.

5 Q Almost -- the way you're demonstrating is like
6 if you were going to give yourself the Heimlich maneuver?

7 A Yeah, close to that.

8 Q And when you say Bubba was on top of him,
9 that's at the beginning of the -- Jordn being on the
10 ground?

11 A Yeah. I don't even know if he laid down on top
12 of -- I don't think he did. I think he was just -- I
13 don't think he -- I don't remember him laying, because --
14 I don't remember Bubba being -- laying down on top of him
15 at all. I only remember him on his -- standing or
16 kneeling beside, you know -- beside him, or on his knees
17 with him. But I don't remember him on top of him.

18 Q I only say -- you said that Bubba landed on top
19 of him earlier, okay?

20 A I said Bubba went down after him, I think. But
21 I don't --

22 Q I don't want to put words in your mouth.

23 A Right.

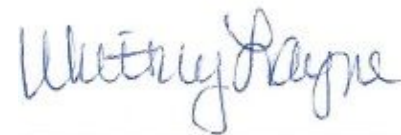
24 Q And we have a statement we can rely on.

CERTIFICATE

State of Ohio :
County of Franklin:

I, Whitney Layne, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named JOSEPH HOLSOPPLE was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotype in the presence of said witness; afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Dublin, Ohio, on this 23rd day of March, 2017.



Whitney Layne, Notary Public
In and for the State of Ohio

My Commission expires May 4, 2020